

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHUCK CONGDON, ET AL.,

Plaintiffs,

vs.

UBER TECHNOLOGIES, INC., ET AL.,

Defendants.

CASE NO. 16-cv-02499-YGR

**ORDER GRANTING IN PART AND DENYING
IN PART PLAINTIFFS' ADMINISTRATIVE
MOTIONS TO SEAL**

Re: Dkt. Nos. 110, 111

Plaintiffs have filed motions to seal in connection with their class certification and summary judgment motions. (Dkt. Nos. 110, 111 ("Sealing Motions").) Having carefully considered the requests to seal, the declarations in support, and the underlying documents, and for the reasons set for below, the Sealing Motions are **GRANTED IN PART AND DENIED IN PART**. The individual findings on each item are set forth below.

The underlying motions at issue are a mix of dispositive and non-dispositive motions. A motion to seal documents that are part of the judicial record on a dispositive motion or for trial is governed by the "compelling reasons" standard. *Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010). A "party seeking to seal judicial records must show that 'compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.'" *Id.* (quoting *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006)). The trial court must weigh relevant factors including the "public interest in understanding the judicial process and whether disclosure of the material could result in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets." *Id.* at 679 n.6 (quoting *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir.1995)). Compelling reasons may be demonstrated where documents would reveal detailed and product-specific information that would put a party at a competitive disadvantage. *See Apple Inc. v.*

Samsung Elecs. Co., Ltd., 727 F.3d 1214, 1225 (Fed. Cir. 2013) (applying Ninth Circuit law).¹

Here, the parties have sufficiently articulated compelling reasons to seal certain documents containing highly sensitive and confidential, trade secret, and proprietary information, including information relating to Uber’s prices, business strategy, stocks, and marketing strategies. They have not established compelling reasons to seal more general information about Uber’s operations, or payments to drivers and Safe Rides Fees directly related to the matters at issue in this litigation and their pending motions. The Court has carefully reviewed the documents and exercised its discretion to seal only those portions of the evidence submitted that would reveal highly sensitive and confidential, trade secret, and proprietary information.

The Court’s individual findings as to the documents referenced in plaintiffs’ summary judgment and class certification motions are the following:

Documents Sought To Be Sealed Solely in Connection with Plaintiffs’ Motion for Summary Judgment		
Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Order
Plaintiffs’ Motion for Summary Judgment at page 5, lines 8-15	Ruiz Decl. ¶ 5, first bullet point.	DENIED
Plaintiffs’ Motion for Summary Judgment at page 5, lines 17-20	Ruiz Decl. ¶ 5, first bullet point.	DENIED
Plaintiffs’ Motion for Summary Judgment at page 16, fn. 15	Ruiz Decl. ¶ 5, first bullet point.	DENIED
UBERCONG0000101-0000102	Ruiz Decl. ¶ 7	GRANTED
UBERCONG0000246-0000247	Ruiz Decl. ¶ 8	GRANTED
Documents Sought To Be Sealed Solely in Connection with Plaintiffs’ Class Certification Motion		

¹ The Court recognizes that motions to seal documents in connection with non-dispositive motions generally are governed by a lower “good cause” standard. *See Pintos*, 565 F.3d at 1180; *Kamakana*, 447 F.3d at 1179–80. The Court has taken that lower standard into account, as appropriate, in ruling on the pending motions, bearing in mind that much of the same evidence was submitted in connection with both plaintiffs’ dispositive summary judgment motion and their non-dispositive class certification motion.

Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Order
Plaintiffs' Class Certification Motion at page 12, lines 7-27	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Plaintiffs' Class Certification Motion at page 13, lines 1-16	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Plaintiffs' Class Certification Motion at page 13, lines 22-28	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Plaintiffs' Class Certification Motion at page 14, lines 1-2	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Plaintiffs' Class Certification Motion at page 17, 6-16	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Documents Sought To Be Sealed in Connection with Both Plaintiffs' Class Certification Motion and Plaintiffs' Motion for Summary Judgment		
Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Order
Colman Depo. at page 16, lines 20-21	Ruiz Decl. ¶ 5, third bullet point	GRANTED
Colman Depo. at page 17, lines 16-17	Ruiz Decl. ¶ 5, third bullet point	GRANTED
Colman Depo. at page 17, line 20	Ruiz Decl. ¶ 5, third bullet point	GRANTED
Colman Depo. at page 22, lines 7-21	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 23, lines 21-24	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 24, lines 3-6	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 24, lines 12-13	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 24, lines 15-17	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 25, lines 9-14	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 26, lines 4-12	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 26, lines 15-18	Ruiz Decl. ¶ 5, second bullet point	DENIED

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Colman Depo. at page 28, lines 5-13	Ruiz Decl. ¶ 5, second bullet point	DENIED
Colman Depo. at page 29, lines 12-25	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 30, lines 2-24	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 37, lines 19-25	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 38, lines 1-21	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 38, lines 23-24	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 39, lines 1-4	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 39, lines 7-14	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 39, lines 18-25	Ruiz Decl. ¶ 5, second bullet point	GRANTED
Colman Depo. at page 40, lines 1-3	Ruiz Decl. ¶ 5, second bullet point	DENIED
Colman Depo. at page 40, lines 5-11	Ruiz Decl. ¶ 5, second bullet point	DENIED
Colman Depo. at page 43, lines 10-13	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 46, lines 9-22	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 46, lines 24-25	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 47, line 1	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 47, lines 3-4	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 47 lines 7-10	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 47, lines 13-16	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 47, lines 18-21	Ruiz Decl. ¶ 5, first bullet point	DENIED

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Colman Depo. at page 47, lines 22-25	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 48, lines 1-2	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 48, lines 9-10	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 48, lines 18-19	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 111, lines 3-10	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 111, lines 14-15	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 112, lines 4-7	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 112, lines 9-10	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 112, lines 12-14	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 144, lines 7-10	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 144, lines 14-17	Ruiz Decl. ¶ 5, first bullet point	DENIED
Colman Depo. at page 168, lines 7-13	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Colman Depo. at page 168, lines 21-25	Ruiz Decl. ¶ 5, fourth bullet point	DENIED
Colman Depo. at page 169, lines 1-3	Ruiz Decl. ¶ 5, fourth bullet point	DENIED
Colman Depo. at page 169, lines 13-17	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Colman Depo. at page 169, lines 19-21	Ruiz Decl. ¶ 5, fourth bullet point	DENIED
Colman Depo. at page 169, lines 24-25	Ruiz Decl. ¶ 5, fourth bullet point	DENIED
Colman Depo. at page 170, lines 16-19	Ruiz Decl. ¶ 5, fourth bullet point	DENIED
Colman Depo. at page 171, lines 8-24	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
Colman Depo. at page 172, lines 1-12	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED

1	Colman Depo. at page 172, line 14	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
2	Colman Depo. at page 172, lines 16-25	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
3	Colman Depo. at page 173, lines 1-2	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
4	Colman Depo. at page 173, lines 4-5	Ruiz Decl. ¶ 5, fourth bullet point	GRANTED
5	Priest Depo. at page 20, lines 21-24	Ruiz Decl. ¶ 6, first bullet point	DENIED
6	Priest Depo. at page 21, lines 4-17	Ruiz Decl. ¶ 6, first bullet point	GRANTED
7	Priest Depo. at page 24, lines 8-23	Ruiz Decl. ¶ 6, first bullet point	GRANTED
8	Priest Depo. at page 26, lines 1-10	Ruiz Decl. ¶ 6, first bullet point	GRANTED

The parties shall file in the public record the documents or portions thereof as to which the requests to seal have been denied, consistent with this Order, **within 7 days**. See Local Rule 79-5(f)(3).

This Order terminates Docket Numbers 110 and 111.

IT IS SO ORDERED.

Dated: March 8, 2018


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE